

Notice of Allowability

Application No.

10/531,068

Examiner

Ives Wu

Applicant(s)

KANENARI, DAISUKE

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/19/2007.

2. ☒ The allowed claim(s) is/are 1,4-6 and 8.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

4. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

5. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

DETAILED ACTION

(1). Applicant's Affidavits, Request-for-Continued Examination (RCEX), and Remarks filed on 10/19/2007 have been received.

Consequently, the rejections of claims 1,4-6 and 8 in prior Office Action dated 06/13/2007 is withdrawn in view of Affidavits of 10/19/2007.

Allowable Subject Matter

(2). **Claims 1, 4-6 and 8** are allowed.

Reasons for Allowance

(3). The following is an examiner's statement of reasons for allowance:

The instant application is allowed mainly in view of the unexpected results provided by Applicant on 10/19/2007. Representative of closest prior art - Kanenari et al (WO 03/029029A1) teach pneumatic tire having run-flat capacity (Title). The discussion of the prior art to Kanenari et al (WO 03/029029A1) is presented in previous Office Action dated 06/19/2007 and is incorporated herein by reference. Kanenari et al (WO 03/029029A1) do not teach the N_2SA of carbon black less than $70 \text{ m}^2/\text{g}$ (claimed by Applicant) used in the rubber composition, 2nd closest prior art McKinstry et al (US04192790) do not teach as well although they disclose the components and their composition as claimed by applicant. However, applicant finds out that rubber composition containing carbon black with N_2SA area less than $70 \text{ m}^2/\text{g}$ exhibits superior run flat durability without decreasing the modulus as shown in the Affidavits. Both McKinsky et al (US04192790) and Kanenari et al (WO 03/029029A1) fails to disclose or even remotely suggest the nitrogen absorption surface area of carbon black used in the composition and results of the unexpected properties. Accordingly, claims 1, 4-6 and 8 define allowable subject matter and are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ives Wu whose telephone number is 571-272-4245. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Ives Wu

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Date: December 11, 2007

DUANE SMITH
PRIMARY EXAMINER

[Signature]
12-18-07